

Senate File 476

S-3052

1 Amend Senate File 476 as follows:

2 1. Page 2, line 34, after <PUBLIC SAFETY,> by inserting  
3 <COLLECTIVE BARGAINING,>

4 2. Page 3, before line 1 by inserting:

5 <Sec. \_\_\_\_\_. Section 20.3, subsection 11, Code 2021, is  
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. g. An individual employed as a law  
8 enforcement officer as defined in section 669A.2.

9 Sec. \_\_\_\_\_. Section 20.9, subsections 1 and 3, Code 2021, are  
10 amended to read as follows:

11 1. For negotiations regarding a bargaining unit with  
12 at least ~~thirty percent of members who are public safety~~  
13 ~~employees~~ one member who is a public safety employee, the  
14 public employer and the employee organization shall meet at  
15 reasonable times, including meetings reasonably in advance of  
16 the public employer's budget-making process, to negotiate in  
17 good faith with respect to wages, hours, vacations, insurance,  
18 holidays, leaves of absence, shift differentials, overtime  
19 compensation, supplemental pay, seniority, transfer procedures,  
20 job classifications, health and safety matters, evaluation  
21 procedures, procedures for staff reduction, in-service  
22 training, grievance procedures for resolving any questions  
23 arising under the agreement, and other matters mutually agreed  
24 upon. For negotiations regarding a bargaining unit that does  
25 not have at least ~~thirty percent of members who are public~~  
26 ~~safety employees~~ one member who is a public safety employee,  
27 the public employer and the employee organization shall meet  
28 at reasonable times, including meetings reasonably in advance  
29 of the public employer's budget-making process, to negotiate  
30 in good faith with respect to base wages and other matters  
31 mutually agreed upon. Such obligation to negotiate in good  
32 faith does not compel either party to agree to a proposal  
33 or make a concession. Mandatory subjects of negotiation  
34 specified in this subsection shall be interpreted narrowly and  
35 restrictively.

1     3. All retirement systems, dues checkoffs, and other  
2 payroll deductions for political action committees or other  
3 political contributions or political activities shall be  
4 excluded from the scope of negotiations. For negotiations  
5 regarding a bargaining unit that does not have at least  
6 ~~thirty percent of members who are public safety employees~~ one  
7 member who is a public safety employee, insurance, leaves of  
8 absence for political activities, supplemental pay, transfer  
9 procedures, evaluation procedures, procedures for staff  
10 reduction, and subcontracting public services shall also be  
11 excluded from the scope of negotiations.

12     Sec. \_\_\_\_\_. Section 20.15, subsection 1, paragraph b, Code  
13 2021, is amended to read as follows:

14     b. (1) If a majority of the ~~public employees in the~~  
15 ~~bargaining unit vote~~ votes cast on the question is for no  
16 bargaining representation, the public employees in the  
17 bargaining unit found appropriate by the board shall not be  
18 represented by an employee organization.

19     (2) If a majority of the ~~public employees in the bargaining~~  
20 ~~unit vote~~ votes cast on the question is for a listed employee  
21 organization, then that employee organization shall represent  
22 the public employees in the bargaining unit found appropriate  
23 by the board.

24     (3) If none of the choices on the ballot receive the  
25 vote of a majority of the public employees ~~in the bargaining~~  
26 ~~unit~~ voting, the public employees in the bargaining unit  
27 found appropriate by the board shall not be represented by an  
28 employee organization.

29     Sec. \_\_\_\_\_. Section 20.15, subsections 2 and 3, Code 2021, are  
30 amended to read as follows:

31     2. *Retention and recertification elections.*

32     a. The board shall conduct an election to retain and  
33 recertify the bargaining representative of a bargaining unit  
34 prior to the expiration of the bargaining unit's collective  
35 bargaining agreement. The question on the ballot shall be

1 whether the bargaining representative of ~~the public employees~~  
2 ~~in the bargaining unit~~ those voting shall be retained and  
3 recertified as the bargaining representative of the public  
4 employees in the bargaining unit. For collective bargaining  
5 agreements with a June 30 expiration date, the election shall  
6 occur between June 1 and November 1, both dates included,  
7 in the year prior to that expiration date. For collective  
8 bargaining agreements with a different expiration date, the  
9 election shall occur between three hundred sixty-five and two  
10 hundred seventy days prior to the expiration date.

11     **b.** (1) If a majority of the ~~public employees in the~~  
12 ~~bargaining unit~~ vote votes cast to retain and recertify the  
13 representative, the board shall retain and recertify the  
14 bargaining representative and the bargaining representative  
15 shall continue to represent the public employees in the  
16 bargaining unit.

17     (2) If a majority of the ~~public employees in the bargaining~~  
18 ~~unit~~ votes cast do not vote to retain and recertify the  
19 representative, the board, after the period for filing  
20 written objections pursuant to [subsection 4](#) has elapsed,  
21 shall immediately decertify the representative and the public  
22 employees shall not be represented by an employee organization  
23 except pursuant to the filing of a subsequent petition for  
24 certification of an employee organization as provided in  
25 section 20.14 and an election conducted pursuant to such  
26 petition. Such written objections and decertifications shall  
27 be subject to applicable administrative and judicial review.

28     **c.** The board shall only conduct an election pursuant to this  
29 subsection if the board has not previously conducted such an  
30 election for the bargaining unit since the last certification  
31 election pursuant to subsection 1 conducted by the board for  
32 that bargaining unit.

33     **3. Decertification elections.**

34     **a.** Upon the filing of a petition for decertification of an  
35 employee organization, the board shall submit a question to the

1 public employees at an election in the bargaining unit found  
2 appropriate by the board. The question on the ballot shall be  
3 whether the bargaining representative of the public employees  
4 ~~in the bargaining unit~~ shall be decertified as the bargaining  
5 representative of public employees in the bargaining unit.

6     **b.** (1) If a majority of ~~the public employees in the~~  
7 ~~bargaining unit~~ those voting vote to decertify the bargaining  
8 representative, the board, after the period for filing  
9 written objections pursuant to **subsection 4** has elapsed,  
10 shall immediately decertify the representative and the public  
11 employees shall not be represented by an employee organization  
12 except pursuant to the filing of a subsequent petition for  
13 certification of an employee organization as provided in  
14 section 20.14 and an election conducted pursuant to such  
15 petition. Such written objections and decertifications shall  
16 be subject to applicable administrative and judicial review.

17     (2) If a majority of ~~the public employees in the bargaining~~  
18 ~~unit~~ those voting do not vote to decertify the bargaining  
19 representative, the bargaining representative shall continue to  
20 represent the public employees in the bargaining unit.

21     **c.** The board shall not consider a petition for  
22 decertification of an employee organization unless a  
23 bargaining unit's collective bargaining agreement exceeds  
24 two years in length. The board shall not schedule a  
25 decertification election for a bargaining unit within one  
26 year of a prior certification, retention and recertification,  
27 or decertification election involving the bargaining unit.  
28 Unless otherwise prohibited by this paragraph, the board shall  
29 schedule a decertification election not less than one hundred  
30 fifty days before the expiration date of the bargaining unit's  
31 collective bargaining agreement.

32     Sec. \_\_\_\_\_. Section 20.22, subsection 7, unnumbered paragraph  
33 1, Code 2021, is amended to read as follows:

34     For an arbitration involving a bargaining unit that has at  
35 ~~least thirty percent of members who are public safety employees~~

1 one member who is a public safety employee, the arbitrator  
2 shall consider and specifically address in the arbitrator's  
3 determination, in addition to any other relevant factors, the  
4 following factors:

5 Sec. \_\_\_\_\_. Section 20.22, subsection 8, unnumbered paragraph  
6 1, Code 2021, is amended to read as follows:

7 For an arbitration involving a bargaining unit that does  
8 not have at least ~~thirty percent of members who are public~~  
9 ~~safety employees~~ one member who is a public safety employee,  
10 the following shall apply:

11 Sec. \_\_\_\_\_. Section 20.22, subsection 10, paragraph b,  
12 subparagraph (1), unnumbered paragraph 1, Code 2021, is amended  
13 to read as follows:

14 However, for an arbitration involving a bargaining unit that  
15 does not have at least ~~thirty percent of members who are public~~  
16 ~~safety employees~~ one member who is a public safety employee,  
17 with respect to any increase in base wages, the arbitrator's  
18 award shall not exceed the lesser of the following percentages  
19 in any one-year period in the duration of the bargaining  
20 agreement:>

21 3. Page 7, after line 30 by inserting:

22 <DIVISION \_\_\_\_  
23 WORKERS' COMPENSATION

24 Sec. \_\_\_\_\_. Section 85.34, subsection 2, paragraph n, Code  
25 2021, is amended by striking the paragraph.

26 DIVISION \_\_\_\_  
27 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES  
28 Sec. \_\_\_\_\_. NEW SECTION. 70A.23A Credit for accrued sick  
29 leave — public safety employees.

30 A public safety employee, as defined by section 20.3,  
31 subsection 11, who retires and has applied for retirement  
32 benefits under an eligible retirement system, shall receive  
33 credit for all accumulated, unused sick leave which shall be  
34 converted at current value and credited to an account for the  
35 public safety employee for the purpose of paying the public

1 safety employee's cost of the monthly premiums for continuance  
2 of the public safety employee's health insurance plan. Upon  
3 the death of a retired public safety employee, the spouse  
4 or surviving spouse shall be entitled to the value of the  
5 accumulated unused sick leave for the purpose of paying the  
6 cost of monthly premiums for continuation of a public safety  
7 employee's health insurance policy for the public safety  
8 employee's surviving spouse or dependents. This subsection  
9 shall not apply to sections 509A.13 and 509A.13A.>

10 4. Title page, line 3, after <filings,> by inserting  
11 <collective bargaining, workers' compensation, retired public  
12 safety employee benefits,>

13 5. By renumbering, redesignating, and correcting internal  
14 references as necessary.

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NATE BOULTON